

FRANKFORT/FRANKLIN COUNTY  
PLANNING COMMISSION

MAY 8, 2008  
5:30 P.M.

CHAIRMAN KEITH LEE, PRESIDING

Chairman Keith Lee called the meeting to order.  
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	Patti Cross	
	Charles Booe	
	Charles Stewart	
	Annie Metcalf	
	Brent Sweger	
	Joe Sanderson	
	Erika Hancock	
	Darrell Sanderson	
	Keith Lee	(10)

Member Absent:	Dwayne Cook	( 1)
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There being a quorum, the meeting proceeded.

The first item of business was approval of the minutes of the meeting of April 10, 2008. A motion was made by Joe Sanderson to approve the minutes as submitted. The motion was seconded by Charles Booe and carried unanimously.

A motion was made by Joe Sanderson to approve the following bills for payment:

Dawn McDonald (BZA/4/1/08)	\$ 75.00
Dianna Rogers (PC4/10/08)	300.00
Edwin Logan (PC4/10/08 - \$900)	
Edwin Logan (BZA/4/1/08 - \$600)	1,500.00
Positively Awarding (2 plaques)	150.00

The motion was seconded by Darrell Sanderson and carried unanimously.

There were no Reports of Officers or Standing Committees.

Under Reports of Special Select Committees, Mr. Joe Sanderson stated on the JLUS committee a group of names for the Policy Committee had been recommended: Jerry Lunsford, Warner Caines, CW5

Dean Stoops, Jane Julian, Carmen Inman, Charles Bush, Sherry Grim, Scott Shannon, Squire Jill Robinson, Commissioner Kathy Carter, Harrie Buecker, Pat Layton, Joe Sanderson. Advisory Members (non-voting): Robert Hewitt, Gary Muller and other city/county staff as needed.

Mr. Sanderson stated each representative had been contacted and was willing to serve if appointed. Chairman Lee stated he would review the list and get back next month with his recommendation.

Chairman Lee stated the budget committee had met and they are in the process of reviewing the fees. He stated that report would be before the Commission next month.

There were no Special Orders.

Under Staff Items, Mr. Robert Hewitt, County Planning Director, submitted the Benson Valley Landfill revised landscape plan that was discussed at the April meeting. Mr. Hewitt stated he felt the revised plan was better and passed it out for informational purposes for the Commission. A motion was made by Joe Sanderson to approve the staff item as submitted and recommended. The motion was seconded by Darrell Sanderson and carried unanimously.

Also under Staff Items, Mr. Hewitt passed out training opportunities.

A motion was made by Joe Sanderson to suspend the rules to allow more than two public hearings due to their briefness. The motion was seconded by Charles Booe and carried unanimously.

The first item of new business was a Development Plan request, in accordance with Article 8 of the City of Frankfort's Zoning Ordinance, from Brian Hix, on behalf of Richard Hayes. The request is for approval of a Development Plan for a single 25,000 square foot metal building containing a restaurant, office and fitness center to be completed in two phases. The subject property is identified as 770 Wilkinson Boulevard, with the parcel ID # 061-00-00-099.00 containing 5.6 acres and zoned Planned Commercial Development (PC).

Mr. Brian Hix, Attorney, was present on behalf of Mr. Hayes. He stated they had reviewed the staff report and staff comments. He added they were in agreement with just about all of the comments but had exception to recommendation 3 which stated the building was to contain a brick or stone knee wall along the front façade, brick or stone columns at the corners as well as along the front to break the mass of the building and to provide an exterior material more compatible to the surrounding area. He stated that condition would hurt the economic viability some of the project.

Mr. Joe Sanderson stated they had a letter from Charlie Jones that this property would be the first in the area to undergo development. Mr. Sanderson added this is the first and a precedent needs to be set. He stated he didn't think the City had gone far enough in this. He stated this is coming into the downtown area. Mr. Sanderson stated he doesn't like the idea of no windows across the back. He added there was a beautiful view of the river. Mr. Hix stated it was typical to not have windows for security and the treeline. He added the windows wouldn't benefit the customers because the trees would block the view. He stated there would be a restaurant with TV's and the windows would be a distraction. Mr. Joe Sanderson stated some trees could be selectively removed for the view. He added he felt strongly about having masonry and windows. He added there were other ways to offset security such as lighting and cameras. Ms. Metcalf stated she could not tell if windows were on other parts of the building. Mr. Hix stated there are some across the front and there are some in the front of the restaurant in phase 1. He added there were none on the side of the building.

Mr. Sweger asked if the building could be moved closer to the street. Mr. Hix stated it was considered but could not be done due to 40' building setback and a 25' sanitary sewer easement. Mr. Lee asked if Phase 1 had environmental impact study done. Mr. Richard Hayes said it was OK.

Mr. Hix stated in respect to concerns, there are no predetermined requirements on this building size. Mr. Joe Sanderson stated they are looking to promote growth in the area and the development of the riverbank. He added this could discourage others from developing near it. Mr. Hix stated the paint scheme and landscaping would help break it up. Mr. Sweger asked if the pedestrian crossing would be raised or striped. Mr. Hix stated it would be striped. Mr. Darrell Sanderson stated a big metal box

was no enhancement, especially by the river. Mr. Joe Sanderson asked if they could mandate materials. Mr. Edwin Logan stated they can approve the request or make recommendation. Mr. Hix stated in light of the Commission concerns, Mr. Hayes will go with recommendation #3 as long as it is not economically impossible. Mr. Joe Sanderson asked how tall the front of the building was. Mr. Hayes stated 17'8" and it would have a slight overhang in the front. Ms. Metcalf asked what was the cost of having some windows on the building. Mr. Hix stated they would have to redesign the building and have new floor plans. Mr. Hix stated he felt like they had complied with the requirements and it was a good design and a good opportunity for Frankfort. Mr. Joe Sanderson stated he felt aesthetics would make business better and there would not be a lot of cost to redesign the building. Mr. Darrell Sanderson stated he didn't picture a metal building on the lot and he did not feel it was a good fit for the area.

Mr. Gary Muller, City Planning Director, stated he had no changes to his staff report. He did have a clarification based on what he had heard tonight. He stated the crosswalks would be painted on asphalt. He added the sign plan will require PC approval and will be back for that in the future. Mr. Joe Sanderson stated in June 2007 the PC approved no onsite storm water facility for the applicant and this probably saved the applicant some money. He asked if all the parking spaces were needed. Mr. Muller stated they were. Mr. Muller stated there is a 15' pedestrian easement shown but not dedicated yet. Mr. Muller stated the applicant stated it would be dedicated when it was needed.

Mr. Booe asked how this property would fit into the corridor. Mr. Muller stated the Goals and Policies emphasizes the need for tourism along water bodies. He added the River Authority group donated land to the right of the land. Ms. Metcalf stated there is a wide variety of structures and materials in the area. Mr. Darrell Sanderson stated the JT Harmon property was hardiplank.

There was no one in the audience to speak in favor or in opposition to the request.

Mr. Hix stated Mr. Hayes intends to honor the pedestrian easement. He added the color of the building won't be orange or pink and will be a neutral color scheme. He stated phase 2 would have some windows across the front. He added this has been ongoing for 14 months

and Mr. Hayes has met the guidelines. He added this is in compliance but now they are trying to change the rules.

A motion was made by Joe Sanderson to approve the request with the conditions of staff being met and to allow the applicant to have a pervious surface in the lower parking lot, no florescent colors on the building, and #3 of the staff report be with the exception of adding windows across the back on each of the private rooms and two large windows in the gym. The motion was seconded by Darrell Sanderson. Those voting in favor: Ms. Cross, Mr. Stewart, Ms. Metcalf, Darrell Sanderson, Ms. Hancock, Darrell Sanderson. Those voting against: Mr. Booe and Mr. Sweger. Abstaining was Mr. Lee. The motion carried 7-2 with the abstention going with the majority vote.

The next item of business was a public hearing request from Mary Belle Dailey for approval of a zone map amendment from Rural Residential District (RR) to Industrial Commercial District (IC) for a 1.864 acre tract of property located at 4241 US Highway 127 South in Franklin County, Kentucky. The property is more specifically described as Property Valuation Administrator map ID #052-00-00-010.00.

The Recording Secretary introduced the item and swore in all wishing to speak regarding this matter.

Mr. Edwin Logan qualified Mr. Robert Hewitt. Mr. Hewitt stated there were no changes to his staff report. Mr. Logan requested the staff report be entered into the record. Chairman Lee accepted the staff report. Mr. Hewitt stated he recommended denial because out of 7 goals, 1, 2, 4, 5 & 6 were not met.

Joe Sanderson asked if the BP and Marathon required a zone change. Mr. Hewitt stated yes. Mr. Sanderson asked if there had been any other zone changes to allow business. Mr. Hewitt stated yes but he was not sure if they were under the current Comprehensive Plan. Mr. Hewitt stated there were negative comments from the Sewer Department and they did not receive anything from the Water Department. Mr. Joe Sanderson asked if the current welding shop would be removed. Mr. Hewitt stated he was not sure.

Mr. John Baughman, Attorney, was present for the applicant. He stated the applicant wants to expand his welding shop and move to another part of the farm. He added this is a technicality on not meeting the Comp Plan. Mr. Baughman stated the Comp Plan, under Development Guidelines, states it is to assist relatives. He stated this is adding a family business to a family farm. Mr. Baughman stated a positive finding was that there is an existing welding and upholstery shop already operating and is part of the family farm.

Mr. Baughman stated Goal 4, Economics, stated changes confirmed were the Marathon Gas Station, Turning Leaf Nursery, Westwood Church and the BP Station. He added there before that was Frankfort Habilitation and the Morton Building site.

Mr. Baughman stated the staff report stated it would be industrial property mixed in with residential. He stated Duckers has a huge industrial building in the area.

Jon Dailey, applicant, stated he did wrought iron railing, commercial gates and repaired farm equipment. He added they do structure steelwork and anything metal. Mr. Lee stated it was adding a broad, comprehensive industrial commercial to the other side of the road. He added it seems there was nothing commercial industrial near it and it was on a broad road frontage. Mr. Lee stated if the welding business fails you could put a lot in IC. Mr. Dailey stated he had been in business for eight years and didn't see it failing. He stated he couldn't expand the current building because it would be too close to his house. He stated he wouldn't be doing anything different than what he is doing it would just be bigger. Mr. Lee stated a lot of land around it could be impacted. Mr. Baughman stated adjacent property owners had been notified and no one responded negatively. He added Mrs. Dailey and both of her sons are on the family farm. Ms. Metcalf asked if there was subdivision adjacent to the property. Mr. Baughman stated a notice had been sent and nothing was received. He stated due to the topography you would not see the building from the subdivision. Mr. Booe asked if any other zone district would be acceptable to Mr. Dailey. Mr. Baughman stated he didn't think it would fit in anywhere else. Mr. Baughman stated they would be acceptable to GC with a conditional use permit. Mr. Hewitt stated on a conditional use permit it shall not occupy over 50% of all buildings on the lot and the same for CH. Mr.

Dailey stated he had two employees. Mr. Baughman suggested a land use restriction would eliminate offensive uses.

A motion was made by Ms. Metcalf to close the public hearing. The motion was seconded by Darrell Sanderson and carried unanimously.

A motion was made by Annie Metcalf to table the item for preparation of a summary. The motion was seconded by Ms. Cross and carried unanimously.

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The next item of business was a public hearing request for a zone map amendment from Andrea & Michael Mueller for approval of a zone map amendment from Rural Residential District (RR) to Agricultural District (AG) for a 20.005 acre tract of property located at 100 Old Georgetown Road in Franklin County, Kentucky.

The Secretary introduced the item and swore in all wishing to speak regarding this matter.

Mr. Eric Cockley, County Planner, was qualified by Mr. Edwin Logan. Mr. Cockley stated he had no additions or deletions to the staff report. Mr. Logan requested the staff report be accepted into the record. The record was accepted without objection by Chairman Lee.

Mr. Charlie Jones, Attorney, was present for the applicant and stated they had reviewed the staff report and were in agreement with it. There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson to close the public hearing and the staff report be adopted as summary and action be taken tonight. The motion was seconded by Mr. Joe Sanderson and carried unanimously. A motion was made by Ms. Metcalf to establish the three findings of fact as outlined in the staff report. The motion was seconded by Joe Sanderson and carried unanimously. A motion was made by Annie



Metcalf to recommend approval of the zone change to Fiscal Court. The motion was seconded by Mr. Darrell Sanderson and carried unanimously.

The next item of business was a zone map amendment request from Charlie Jones, on behalf of M&W LLC for approval of a zone map amendment (County Regulations) from Rural Two Dwelling District (RD) to Rural Low Density Multifamily District (RL) for a 29.08 acre tract for property located at 8000 John Davis Drive being the rear portion of the Parkside Development off of US 60/Versailles Road, more specifically described as PVA parcel #086-00-00-021.00.

The Secretary introduced the item and swore in all wishing to speak regarding this matter. Mr. Edwin Logan qualified Mr. Gary Muller, City Planning Director. Mr. Muller stated there were two typos to be corrected in the staff report. One was on page eight, letter a, 6<sup>th</sup> line and should be “to”. The second was on page nine, number 7 and should say 100.213. Mr. Muller added to also be included were findings of fact from the applicant and a submittal from Public Works. He added he had received an email. Mr. Lee did not want the email as there could be no questioning. Mr. Logan requested the corrected staff report and two additions be accepted into the record. Mr. Lee accepted the staff report and additions.

Mr. Lee asked if this had access to Hanley Lane. Mr. Muller stated no. Mr. Lee asked if there would be an increase in traffic. Mr. Muller stated there is an increase but it is an insignificant change per the PC’s Traffic Engineer. Mr. Muller stated the property is in the city limits but for zoning, etc., the County Regulations are used at the time of adoption when the property was annexed.

Mr. Tom Creasey, PC Traffic Engineer, stated the level of service has an overall increase but only for the afternoon rush hour. He stated the average delay increased 20% but is still in an acceptable range at US 60/Versailles Road. Mr. Booe asked if the I-64 interchanges were included in this report. Mr. Creasey stated no. Mr. Muller stated those items are underway. Mr. Jones asked Mr. Creasey if there has been a change in the configuration of the second intersection to the north. Mr. Creasey stated yes, it has been moved further north.

Mr. Joe Sanderson asked if this would be a better PC. He stated it looks like we haven't learned anything; there is none of the mixed smart development going on; no walking trails. Mr. Muller stated when the property was rezoned in the county to CH and RD then the second zoning was for CG and the City annexed the property. He stated it was already in the works. Mr. Muller stated PUD's would fit in this area but allow other uses. He added this is the least intensive zone the County has for what the developers want. Mr. Sanderson asked what has changed since March 8, 2007 when the current plan was adopted or what makes the current zone inappropriate. Mr. Sanderson asked how the PC could find on one of those two areas. Mr. Sanderson added that Mr. Muller's findings are negative and the existing zoning is appropriate. Mr. Muller stated there are three criteria. Mr. Muller stated it is in compliance and consistent with the Comprehensive Plan. Mr. Muller stated it meets the Comprehensive Plan. Mr. Booe asked if there were any geological issues. Mr. Muller stated no. Mr. Lee asked if the run off was a better plan, the same or worse. Mr. Muller stated it has not been evaluated by Public Works.

Mr. Booe asked if this was for the amendment and the conceptual plan. Mr. Muller stated the conceptual plan was required but not binding. Mr. Muller stated on mixed uses, looking at Parkside as a whole, there are residential and commercial proposed.

Mr. Charlie Jones, Attorney, was present for the applicant and stated they were in agreement with the staff report and findings of fact. Mr. Jones stated 417 houses is not an exact number. He stated they are approved for 296 units now and you can't get 296 in under the current zoning. He stated 417 was used as a maximum but you can't fit that in. He added they wanted the traffic study based on the worst case scenario. He stated 300 units are on the concept plan. Mr. Jones stated there has been a change in the Frankfort community and that is one reason they are seeking the change. Mr. Sweger asked if they have discussed the development with neighbors. Mr. Jones stated many were concerned about Hanley Lane access and there won't be. He stated there would be opportunity for neighbors to see the plan.

Speaking on the request:

Jim Rogers, Chairman of the Hanley Lane/Deerwood Neighborhood Association, stated they were concerned but their concerns have been addressed.

John Parrish, Hanley Lane, stated his comments were the same as Mr. Rogers.

A motion was made by Sherron Jackson to close the public hearing and table the item for preparation of a summary. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Joe Sanderson to adjourn. The motion was seconded by Patti Cross and carried unanimously.

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Chairman Keith Lee

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Recording Secretary Dianna  
Rogers